

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America
v.

JESSE ANDRE HEARD

Date of Original Judgment: 02/21/2013
Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

Case No: 12-000068-001

USM No: 16600-043

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

Application of Amendment 782 would result in a new total offense level of 34, with a criminal history category of IV, and a revised guideline range of 240 (statutory mandatory minimum) to 262 months. Although the defendant's guideline range would subsequently be lowered by application of the amendment, at the time of sentencing, Heard received a sentence (240 months) which fell outside of the advisory guideline range. Pursuant to U.S.S.G. § 1B1.10(b)(2)(A), and Application Note 3, the Court may grant a comparable reduction outside of the guideline range only if the defendant provided substantial assistance to authorities. As the defendant's reduction was granted pursuant to 3553(a)(1), a comparable reduction is not permitted. Therefore, the defendant would not benefit from a recalculation of the guidelines.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/01/2014

Callie V.S. Granade U.S.
District Judge

Digitally signed by Callie V.S. Granade U.S. District Judge
DN: cn=Callie V.S. Granade U.S. District Judge, o=U.S. Government,
ou=Federal Judiciary, email=efile_granade@alsd.uscourts.gov,
c=US
Date: 2014.12.01 16:08:40 -06'00'

Judge's signature

Effective Date: _____
(if different from order date)

UNITED STATES DISTRICT JUDGE

Printed name and title